

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:21-CR-0054-N

v.

DANIEL REY SETTLE
a.k.a. “POLO”

**GOVERNMENT’S UNOPPOSED MOTION TO
CONTINUE TRIAL DATE AND PRETRIAL DEADLINES**

The United States of America (the “government”) respectfully moves this Court to continue the trial date and all associated pretrial deadlines in the above-captioned case.

In support, the government provides the following:

Background

1. On January 20, 2021, the defendant, Daniel Rey Settle, a.k.a. “Polo,” was charged by criminal complaint with sex trafficking, in violation of 18 U.S.C. § 1591(a)(1) and (b)(1).
2. On February 2, 2021, the grand jury for the Northern District of Texas returned an indictment, charging Settle with sex trafficking in violation of 18 U.S.C. § 1591(a)(1) and (b)(1). (Dkt. 11.)
3. Following the initial indictment, the grand jury for the Northern District of Texas returned multiple superseding indictments to include charges that captured Settle’s obstructive conduct towards Adult Victim 1. (*See* Dkts. 19, 29, 52.)

4. After the Court dismissed Count One of the indictment and superseding indictments without prejudice, the grand jury for the Northern District of Texas returned a fourth superseding indictment. (Dkt. 79.)

5. On December 5, 2022, trial for Settle began but ended with a mistrial on December 6, 2022. (Dkts. 105, 106.)

6. On December 21, 2022, Settle's motion to appoint new counsel was granted and Russell Wilson was appointed. (Dkts. 113, 114.)

7. Since Mr. Wilson's appointment, the parties have been actively involved in plea negotiations and meet-and-confer efforts regarding discovery and trial scheduling, resulting in multiple trial settings. (*See* Dkts. 118, 126, 130.)

8. Trial is currently scheduled to begin September 11, 2023. (Dkt. 130.)

Justification for Continuance

9. Pursuant to 18 U.S.C. § 3161(h)(7), the Court can grant an "ends of justice" continuance at the request of a defendant, defense counsel, or the government, if the Court does so on the basis of finding "that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." Among the factors the Court may consider in granting an "ends of justice" continuance are whether failure to grant a continuance would "result in a miscarriage of justice" and/or would "unreasonably deny the defendant or the Government continuity of counsel." 18 U.S.C. §§ 3161(h)(B)(i) and (iv).

10. One of the government attorneys is unavailable to begin trial the week of September 11, 2023, because he is lead attorney on another trial scheduled to begin that

same week. (*See* 3:23-CR-0099-JDK.) Additionally, the government’s expert witness is unavailable the week of the current trial setting and is necessary to the government’s presentation.

11. As part of the parties’ meet-and-confer efforts, we have identified October 16, 2023, as a mutually agreeable trial date. As indicated below, Settle is unopposed to the requested continuance, provided the new trial date is set sometime in October 2023. Of note, Mr. Wilson is unavailable the week of October 23, 2023.

12. A continuance would serve the “ends of justice” by promoting continuity of counsel and ensuring that both parties are sufficiently prepared and ready for trial.

[No further information on this page.]

13. Based on the foregoing information, the government requests that the Court issue a written order finding that (1) the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and the defendant in a speedy trial; (2) failure to grant a continuance would unreasonably deny the defendant or the Government continuity of counsel; and (3) a continuance of the trial date is therefore necessary. The government further requests that the Court vacate the current trial date and pretrial deadlines, set a new trial date, and order that the pretrial deadlines be reset consistent with the new trial date.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ Andrew J. Briggs

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CERTIFICATE OF CONFERENCE

I hereby certify that on July 21, 2023, Russell Wilson, counsel for defendant Daniel Settle, indicated that he was unopposed to the requested continuance so long as the new trial date is set in October 2023.

/s/ Andrew J. Briggs
Andrew J. Briggs
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2023, I electronically filed the foregoing document with the clerk for the United States District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system will send a “Notice of Electronic Filing” to the attorney of record who has consented in writing to accept this Notice as service of this document by electronic means.

/s/ Andrew J. Briggs
Andrew J. Briggs
Assistant United States Attorney